

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

JESSIE GARRETT,	§	
<i>Plaintiff</i>	§	
	§	
V.	§	
	§	CIVIL ACTION NO. 9:11-cv-00134
SHELBY MEDICAL HOLDINGS, L.L.C.	§	
<i>D/B/A SHELBY REGIONAL MEDICAL</i>	§	
<i>CENTER HOSPITAL,</i>	§	
<i>Defendant</i>	§	

COMPLAINT

TO THE HONORABLE COURT:

Plaintiff, Jessie Garrett, for his complaint against the Defendant, Shelby Medical Holdings, L.L.C. *d/b/a* Shelby Regional Medical Center Hospital, respectfully shows the Court and alleges as follows:

NATURE OF THE ACTION

1. This is an action brought pursuant to the Age Discrimination in Employment Act (the "ADEA"), 29 U.S.C. §626, et seq. for age discrimination and retaliation for having complained of age discrimination.

PARTIES

2. Jessie Garrett, age 69, is an individual residing in Shelby County, Texas.
3. At all relevant times, Jessie Garrett was an employee of Defendant.
4. Defendant is a corporation *d/b/a* Shelby Regional Medical Center, a health care facility operating in the Eastern District of Texas and is subject to the jurisdiction of this court. Defendant is an employer defined in 29 U.S.C. § 203(d) and within the meaning of Title VII, 42 U.S.C. § 2000e(b). Defendant may be served with citation by serving its registered agent, Tariq Mahmood, 806 North Crockett, Cameron, TX, 76520.
5. At all times relevant to the allegation in this Complaint, Defendant operated from a facility in Center, Shelby County, Texas.

6. Defendant is principally engaged in the business of healthcare.

7. At all relevant times, Defendant employed more than 20 people.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331 as this matter involves a federal question based upon the ADEA.

9. This Court has proper venue for this action pursuant to 28 U.S.C. §1391 (b)(1) and (b)(2) because this is the District and Division in which Jessie Garrett resides and in which a substantial part of the events or omissions giving rise to the claims occurred.

PROCEDURAL PREREQUISITES

10. On March 14, 2011, Plaintiff filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission (“EEOC”).

11. More than sixty days have elapsed since Plaintiff filed her charge with the EEOC.

12. Plaintiff received a right to sue letter dated May 26, 2011 and fewer than ninety days have elapsed since Plaintiff received same.

FACTUAL BACKGROUND

13. Plaintiff was born in 1942 and was 68 years old at the time she filed his charge of discrimination.

14. Plaintiff has worked on and off for Defendant for over forty years. Her recent position as a radiologist technologist began in 1989.

15. Defendant made complaints to Plaintiff that she was “too slow,” “forgetful,” and “not comprehending well.”

16. On or about March 11, 2011, Defendant terminated Plaintiff from her position because they claimed she could not use the equipment.

COUNT I: AGE DISCRIMINATION

17. Plaintiff realleges and incorporates in this Count I paragraphs 1-16.

18. Plaintiff’s age was a determining factor in Defendant’s decision to terminate her.

19. Defendant knowingly and willfully discriminated against Plaintiff on the basis of his age in violation of the ADEA.

WHEREFORE, Plaintiff respectfully requests the following relief:

Entry of judgment in favor of Plaintiff and against Defendant;

1. Back pay;
2. Reinstatement, or in the alternative, front pay;
3. Liquidated damages pursuant to 29 U.S.C. §626(b);
4. Attorneys fees and costs; and
5. Other such relief as may be appropriate to effectuate the purposes of the ADEA.

Respectfully submitted,

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By: /s/ Charles R. Dendy
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